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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,660	10/23/2001	Stephen G. Kimmet		2441

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EXAMINER

NGUYEN, HUNG T

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 01/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/002,660

Applicant(s)  
Kimmel Stephen

Examiner  
HUNG NGUYEN

Art Unit  
2632



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 23, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 1 recites the limitations "said plurality of danger signal devices" in lines 11 & 15. There are insufficient antecedent basis for this limitation in the claim;

Claim 1 recites the limitation "said plurality of on-board aircraft processing devices" in lines 21-22. There is insufficient antecedent basis for this limitation in the claim;

Claim 1 recites the limitations "said plurality of on-board aircraft control devices" in lines 24-25 & 28-29. There are insufficient antecedent basis for this limitation in the claim;

Claim 1 recites the limitation "said plurality of on-board aircraft operating commands" in lines 25-26. There is insufficient antecedent basis for this limitation in the claim;

4. Regarding claim 1 , lines 16, 18, 21 & 24, please change "state conditions" to --state conditions information--;

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5. Regarding claim 1, please delete all of term “capable of” in lines 2-3, 5,7-8, 10, 12, 14-18, 20, 22 & 27;

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe (U.S. 6,246,320) in view of Murray et. al (U.S. 6,385,513).

Regarding claims 1-2, Monroe discloses an aircraft catastrophic security system (10) comprising:

- on-board aircraft danger signal device includes various condition sensors (19) , motion and audio detectors, video cameras (20,22,24,26....50) , light detectors, sound detectors and so on transmitting and receiving a plurality of a danger signals [ figs.4,8, col.11, lines 1-42 , col.14, lines 3-47 and col.17, lines 10-45 ];
- an on-board aircraft control device controllably operating an aircraft (241) [ fig.15, col.22, line 66 to col.23, line 34 ];

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- an on-board aircraft processing device (204) transceiving the danger signals from the on-board aircraft danger signal device includes aircraft conditions information [ figs.4,8, col.17, line 46 to col. 18, line 26 and col.20, lines 50-63 ] and
- inform to national and local authority / ground control tower (216) / airport fire station (226) / security center (222) [ fig.8, col.17, line 61 to col.18, line 59 ] and
- an external device (212) transceiving the on-board aircraft control state condition information to and from the on-board aircraft processing device (204) [ figs.4,8, col.17, line 61 to col.18, line 59 ].

Monroe does not specifically mention a plurality of danger signal personnel codes and a plurality of danger signal device codes as claimed by the applicant . Codes are important signals used to represent letters or numbers in transmitting messages requiring secrecy or brevity .

However, Monroe discloses the on-board security surveillance system (10) is adapted with an on-board control decoder (503) for communicating and monitoring various identification signals [ col.14, lines 28-47 ]. Furthermore, Murray teaches an aircraft monitoring system (100) upon detection of a serious event / determining of an abnormal condition further detecting one or more of several predetermined emergency condition and transmitting those data to the ground with the necessary decoding of the encoded messages by the radio frequency signals [ fig.3, col.7, lines 6-21 and col.12, line 5 ]. Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Monroe as taught by Murray for providing / identifying accurate the

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source of the danger signals to place an aircraft into a controlled, restricted state and to enforce safe disposition of the aircraft.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Scott (U.S. 4,706,091) Cockpit Transmission Assembly.
- Shamosh et al. (U.S. 5,144,661) Security protection system and method.
- Bhagat et al. (U.S. 5,438,610) Method for establishing a communication link between a ground base caller and a passenger on board an aircraft.
- Levine (U.S. 5,974,349) Remote, aircraft, global, paperless maintenance system .

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (703) 308-6796. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Daniel Wu, can be reached on (703) 308-6730. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Examiner: Hung T. Nguyen

Date: Dec. 16, 2002

  
DANIEL J. WU  
PRIMARY EXAMINER  
01/02/03